

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re: Refrigerant Compressors
Antitrust Litigation

Case No. 2:09-md-02042

HONORABLE SEAN F. COX
United States District Court

ORDER APPOINTING INTERIM LEAD COUNSEL
FOR DIRECT PURCHASER PLAINTIFFS

Pursuant to Rule 23 of the Federal Rules of Civil Procedure, this Court may designate interim counsel to act on behalf of the putative class before determining whether to certify the action as a class action. FED. R. CIV. P. 23(g)(2).

The following motions containing requests for appointment of Interim Lead Counsel for the Direct Purchaser Plaintiffs are currently pending before the Court:

- “Motion by the Vast Majority of Direct Purchaser Plaintiffs for the Appointment of The Miller Law Firm, P.C. as Sole Interim Lead Counsel and that No Executive Committee be Appointed Now,” [Doc. No. 105], filed by the “Miller Group,” a group of eighty-one plaintiff firms in this action, seeking 1) the appointment of the Miller Law Firm, P.C. as the sole Interim Lead Counsel for the Direct Purchaser Plaintiffs; and 2) that No Interim Executive Committee be appointed at this time.
- “Motion to Appoint S. Thomas Weiner of Weiner & Gould, P.C. as an Interim Class/Liason Counsel and Gerald J. Rodos of Barrack, Rodos & Bacine, Bonny E. Sweeny of Coughlin Stoa Geller Rudman & Robbins LLP and Anthony D. Shapiro of Hagens Berman Sobol Shapiro LLP as Members of the Interim Executive Committee,” [Doc. No. 100], filed by a group of fourteen plaintiff firms in this action, seeking 1) the appointment of S. Thomas Weiner of Weiner & Gould, P.C. as the sole Interim Lead Counsel for the Direct Purchaser Plaintiffs; and 2) an Interim Executive Committee comprised of several plaintiff law firms.
- “Motion of Plaintiffs St. Boni Farm Store Corporation, The Mitchell Company, Inc. And Cincinnati Sub-Zero Products, Inc. For Appointment of (1) Berger &

Montague, P.C. and Keating Muething & Klekanp PLL as Interim Class Counsel for the Direct Purchaser Plaintiffs, or, in the alternative, as Members of the Executive Committee; and (2) Gurewitz and Raban, PLC and/or Nagi, Baxter & Seymour, P.C. as Liason Counsel for the Direct Purchaser Plaintiffs,” [Doc. No. 101], filed by a group of four plaintiff firms in this action, seeking 1) the appointment of Berger & Montague, P.C. and Keating Muething & Klekamp PLL as Interim Class Counsel, or, in the alternative, as members of the Interim Executive Committee; and 2) an Interim Executive Committee comprised of several plaintiff law firms.

The Court finds that the issues have been adequately presented in the parties’ briefs and other written submissions and that oral argument would not significantly aid the decisional process. *See* E.D. Mich. Local Rule 7.1(e)(2). The Court therefore orders that the motions will be decided without oral argument.

After careful consideration of the above motions, their supporting briefs, and exhibits to same, this Court hereby **GRANTS IN PART** the Miller Group’s motion seeking appointment as Interim Lead Counsel for the Direct Purchaser Plaintiffs [Doc. No. 105]. The Court concludes that David H. Fink with the Miller Law Firm, P.C. is the applicant best able to represent the interests of the putative class and therefore **ORDERS** that **DAVID H. FINK** and **THE MILLER LAW FIRM, P.C.** are hereby **APPOINTED AS INTERIM LEAD COUNSEL FOR THE DIRECT PURCHASER PLAINTIFFS**. All other requests for Appointment of Interim Lead Counsel, or Interim Co-Lead Counsel, are hereby **DENIED**.

It is **FURTHER ORDERED** that **DAVID H. FINK** of **THE MILLER LAW FIRM, P.C.**, and **S. THOMAS WEINNER** of **WEINNER & GOULD, P.C.**, are hereby **APPOINTED** to the **INTERIM EXECUTIVE COMMITTEE FOR PLAINTIFFS**. The Court intends to make further appointments to the Interim Executive Committee during the

course of the litigation and, therefore, the Court declines to rule on the remaining requests for appointment to the Interim Executive Committee at this time.

IT IS SO ORDERED.

S/Sean F. Cox

Sean F. Cox

United States District Judge

Dated: November 2, 2009

I hereby certify that a copy of the foregoing document was served upon counsel of record on November 2, 2009, by electronic and/or ordinary mail.

S/Jennifer Hernandez

Case Manager